

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA

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MARK FITZHENRY, individually and on behalf of
a class of all persons and entities similarly situated,

Plaintiff

USA VACATION MANAGEMENT AND MARKETING
COMPANY, LLC d/b/a USA VACATION
MANAGEMENT and WESTGATE RESORTS, LTD

Defendants

Case No. 2:14-cv-3866-DCN

CLASS ACTION COMPLAINT

ANSWER

COMES NOW Defendant Kevin Lawrence answers the Complaint herein for himself and no
other defendant, admits, deny, and allege as follows:

NATURE OF ACTION

1. Admitted.
2. Admitted.
3. Admitted.
4. Denies sufficient information upon which to form a belief.
5. Denies sufficient information upon which to form a belief.
6. Denied.

JURISDICTION AND VENUE

7. Denies sufficient information upon which to form a belief.
8. Denies sufficient information upon which to form a belief.
9. Denies sufficient information upon which to form a belief.
10. Denies sufficient information upon which to form a belief.

11. Denies sufficient information upon which to form a belief.

PARTIES

12. Denies sufficient information upon which to form a belief.

13. Admitted.

14. Admitted.

THE TELEPHONE CONSUMER PROTECTION ACT OF 1991

(TCPA), 47 U.S.C. § 227

15. Admitted.

16. Admitted.

17. Admitted.

18. Denies sufficient information upon which to form a belief.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Denies sufficient information upon which to form a belief.

25. Denies sufficient information upon which to form a belief.

26. Admitted.

FACTUAL ALLEGATIONS RELATING TO THE PLAINTIFF'S CALL

27. Admitted.

28. Denies sufficient information upon which to form a belief.

29. Denies sufficient information upon which to form a belief

- 30. Denies sufficient information upon which to form a belief.
- 31. Denies sufficient information upon which to form a belief.
- 32. Denies sufficient information upon which to form a belief.
- 33. Denies sufficient information upon which to form a belief.
- 34. Denies sufficient information upon which to form a belief.
- 35. Denies sufficient information upon which to form a belief.

THE DEFENDANT'S MARKETING SCHEME

- 36. Denies sufficient information upon which to form a belief.
- 37. Denies sufficient information upon which to form a belief.
- 38. Denies sufficient information upon which to form a belief.
- 39. Denies sufficient information upon which to form a belief.
- 40. Denies sufficient information upon which to form a belief.
- 41. Denies sufficient information upon which to form a belief.

VICARIOUS LIABILITY UNDER THE FCC's ORDER

- 42. Denies sufficient information upon which to form a belief.
- 43. Denies sufficient information upon which to form a belief.

DIRECT LIABILITY

- 44. Denies sufficient information upon which to form a belief.
- 45. Denies sufficient information upon which to form a belief.
- 46. Denies sufficient information upon which to form a belief.

47. Denies sufficient information upon which to form a belief.

ACTUAL AUTHORITY

48. Denies sufficient information upon which to form a belief.

49. Denies sufficient information upon which to form a belief.

50. Denies sufficient information upon which to form a belief.

51. Denies sufficient information upon which to form a belief

52. Denies sufficient information upon which to form a belief.

RATIFICATION

53. Denies sufficient information upon which to form a belief.

54. Denies sufficient information upon which to form a belief.

55. Denies sufficient information upon which to form a belief.

56. Denies sufficient information upon which to form a belief.

57. Denies sufficient information upon which to form a belief.

58. Denies sufficient information upon which to form a belief.

59. Denies sufficient information upon which to form a belief.

60. Denies sufficient information upon which to form a belief.

APPARENT AUTHORITY

61. Denies sufficient information upon which to form a belief.

62. Denies sufficient information upon which to form a belief.

63. Denies sufficient information upon which to form a belief.

64. Denies sufficient information upon which to form a belief.

65. Denies sufficient information upon which to form a belief.

66. Denies sufficient information upon which to form a belief.

CLASS ACTION ALLEGATIONS

67. Denies sufficient information upon which to form a belief.
68. Denies sufficient information upon which to form a belief.
69. Denies sufficient information upon which to form a belief.
70. Denies sufficient information upon which to form a belief.
71. Denies sufficient information upon which to form a belief.
72. Denies sufficient information upon which to form a belief.
73. Denies sufficient information upon which to form a belief.
74. Denies sufficient information upon which to form a belief.
75. Denies sufficient information upon which to form a belief.
76. Denies sufficient information upon which to form a belief.
77. Denies sufficient information upon which to form a belief.
78. Denies sufficient information upon which to form a belief.
79.
 - a. Denies sufficient information upon which to form a belief.
 - b. Denies sufficient information upon which to form a belief.
 - c. Denies sufficient information upon which to form a belief.
 - d. Denies sufficient information upon which to form a belief.
 - e. Denies sufficient information upon which to form a belief.
80. Denies sufficient information upon which to form a belief.
81. Denies sufficient information upon which to form a belief.
82. Denies sufficient information upon which to form a belief.
83. Denies sufficient information upon which to form a belief.
84. Denies sufficient information upon which to form a belief.
85. Denies sufficient information upon which to form a belief.
86. Denies sufficient information upon which to form a belief.

87. Denies sufficient information upon which to form a belief.

88. Denies sufficient information upon which to form a belief.

CAUSES OF ACTION

FIRST COUNT

NEGLIGENT VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT

47 U.S.C. § 227 ET SEQ.

(Against all Defendants)

89. Denies sufficient information upon which to form a belief.

90. Denies sufficient information upon which to form a belief.

91. Denies sufficient information upon which to form a belief.

92. Denies sufficient information upon which to form a belief.

93. Denies sufficient information upon which to form a belief.

SECOND COUNT

KNOWING AND/OR WILLFUL VIOLATION OF THE TELEPHONE

CONSUMER PROTECTION ACT, 47 U.S.C. § 227 ET SEQ.

94. Denies sufficient information upon which to form a belief.

95. Denies sufficient information upon which to form a belief.

96. Denies sufficient information upon which to form a belief.

97. Denies sufficient information upon which to form a belief.

98. Denies sufficient information upon which to form a belief.

Signature of Defendant: Kevin Lawrence

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 20th day of Nov., 2014,
by KEVIN LAWRENCE, as Owner / President of Lily Management, Inc. on behalf of
the Corporation. He is personally known to me or has produced ID - Chip etc. as
identification.

NOTARY PUBLIC



ALICIA IRIZARRY
MY COMMISSION # EE 877873
EXPIRES: February 26, 2017
Bonded Thru Budget Notary Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via U.S. Mail to the following :

Lance S. Boozer, Esq.
807 Gervais Street
Columbia, SC 29201

Edward A. Broderick, Esq.
125 Summer Street
Boston, MA 02110

Matthew P. McCue, Esq.
1 South Avenue, Suite 3
Natick, MA 01760

Signature of Kevin Lawrence
KEVIN LAWRENCE for Lily Management and Marketing
Company LLC d/b/a USA Vacation Station